

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

KAILA GONZALEZ, Individually and as a Representative of a class of similarly situated persons, on behalf of the NORTHWELL HEALTH 403(B) PLAN,

Plaintiff,

-against-

NORTHWELL HEALTH, INC., the NORTHWELL HEALTH 403(B) PLAN COMMITTEE and DOES No. 1-10, Whose Names Are Currently Unknown,

Defendants.

1:20-cv-03256 RPK RLM

**Date of Service: December 18, 2020**

**DEFENDANTS NORTHWELL HEALTH, INC.'S AND THE NORTHWELL HEALTH 403(B) PLAN COMMITTEE'S 12(B)(6) MOTION TO DISMISS THE COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Northwell Health, Inc. and the Northwell Health 403(b) Plan Committee (collectively, "Defendants"), by and through their undersigned counsel, hereby move to dismiss the claims set forth in Kaila Gonzalez's Complaint in its entirety. Specifically, Defendants move to dismiss the Complaint because it fails to set forth sufficient facts to state a claim against Defendants under the Employee Retirement Income Security Act of 1974, as amended.

Accordingly, for the foregoing reasons and those set forth in the accompanying Memorandum of Law and supporting Declaration of Melissa D. Hill, Defendants respectfully request that the Court enter an Order dismissing the Complaint in its entirety with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6).

Dated: New York, New York  
December 18, 2020

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP  
By: /s/ Melissa D. Hill

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be served by ECF a true and correct copy of the foregoing Defendants Northwell Health, Inc.'s and the Northwell Health 403(B) Plan Committee's 12(B)(6) Motion to Dismiss the Complaint on this 18th day of December, 2020 on all counsel of record.

/s/ *Melissa D. Hill*  
Melissa D. Hill